

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR**

S.B. Criminal Appeal (Sb) No. 894/2026

CNR: RJHC010398272026

URN: CRLAS / 1912U / 2026

Vijaypal S/o Late Kaluram, Aged About 23 Years, Durgani Mohalla, Village Gaadwala, Police Station Napasar, District Bikaner. (Presently Lodged In Bikaner Jail)

----Appellant

Versus

1. State Of Rajasthan, Through Pp
2. Vikram Kadva S/o Khuman Singh, G Block Ashok Nagar, Tilaknagar, Bikaner, Rajasthan.

----Respondents

Connected With

S.B. Criminal Appeal (Sb) No. 737/2026

CNR: RJHC010350482026

URN: CRLAS / 1582U / 2026

1. Aakash Choudhary S/o Seetaram, Aged About 25 Years, Village Jhadeli, Police Station Jasrasar, Presently Residing At Chata Factory Road, Rampura Basti, Lalgarh, Police Station Muktaprasad Nagar, District Bikaner, Rajasthan. (Presently Lodged In Bikaner Jail)
2. Rohit Singh Rathore S/o Manohar Singh Rathore, Aged About 23 Years, Bypass Road Galli No. 2, Shani Mandir Ke Pass Wali Galli, Rampura Basti, Police Station Muktaprasad Nagar, District Bikaner, Rajasthan. (Presently Lodged In Bikaner Jail)

----Appellants

Versus

1. State Of Rajasthan, Through Pp
2. Vikram Kadva S/o Khuman Singh, G Block Ashok Nagar, Tilaknagar, Bikaner, Rajasthan.

----Respondents

For Appellant(s)	:	Mr. Shree Kant Verma MR. Naresh Kumar Bishnoi
For Respondent(s)	:	Mr. Urja Ram Kalbi, PP

Ms. Sarika Bishnoi for complainant

HON'BLE MR. JUSTICE SUNIL BENIWAL

Order

09/07/2026

1. The jurisdiction of this Court has been invoked by way of filing appeals under Section 14-A(2) of SC/ST (Prevention of Atrocities) Act, 1989, at the instance of accused-appellants. The requisite details of the matter are tabulated herein below:

S.No.	Particulars of the Case	
1.	FIR Number	149/2025
2.	Concerned Police Station	Jainarayan Vyas Colony
3.	District	Bikaner
4.	Offences alleged in the FIR	Sections 115(2), 126(2), 109(1), 331(6), 103(1), 238(a) and 189(2) of BNS.
5.	Offences added, if any	Section 3(2)(v) and 3(2)(va) of SC/ST Act.
6.	Date of passing of impugned order	16.04.2026

2. Learned counsel for the appellants submits that no case for the alleged offences is made out against them and their incarceration is not warranted. There are no factors at play in the case at hand that may work against grant of bail to the accused-appellants and they have been made accused based on conjectures and surmises.
- 2.1 He further submits that co-accused persons namely Vishnu, Raju Prajapat, Jaipal Choudhary and Arvind have been

granted bail by a Coordinate Bench of this Court. The role assigned to the present appellants in the present crime is not distinguishable in any manner from the role assigned to the co-accused persons, whom the Coordinate Bench has enlarged on bail. As a matter of fact, the case of the appellants is on better footing than the other co-accused as there was recovery from them and no recovery has been made from the applicant-appellants. He also submits that the complainant so also other witnesses i.e. PW-1 to PW-5 have turned hostile. The appellant-Vijaypal is in custody since 10.04.2026 and the appellants-Aakash Choudhary and Rohit Singh Rathore are in custody since 26.03.2026.

- 2.2 Based on these submissions, it is argued that the appellants, who are presently in judicial custody, are entitled to be enlarged on bail as the trial will take sufficiently long time to conclude.
3. Contrary to the submissions of learned counsel for the appellants, learned Public Prosecutor so also learned counsel for the complainant oppose the appeals, however, learned Public Prosecutor is not in a position to refute the fact that the roles assigned to the present appellants in the present crime are not distinguishable in any manner from the role assigned to the co-accused persons.
4. Heard learned counsel for the parties and perused the material available on record.
5. Considering the submissions made by learned counsel for both the parties; the facts and circumstances of the case;

the challan papers and considering the facts that co-accused persons namely Vishnu, Raju Prajapat, Jaipal Choudhary and Arvind have been granted bail by a Coordinate Bench of this Court; the roles assigned to the present applicant-appellants in the present crime are not distinguishable in any manner from the role assigned to the co-accused persons; and the complainant so also other witnesses i.e. PW-1 to PW-5 have turned hostile, this Court is of the considered view that no fruitful purpose would be served by keeping the appellants behind bars for an indefinite period. Thus, without expressing any opinion on merits/demerits of the case, this Court is of the opinion that the appeals filed by the appellants deserve to be allowed.

6. Consequently, the instant appeals are allowed. The impugned orders dated 16.04.2026 and 28.03.2026 passed by the learned Special Judge, SC/ST (Prevention of Atrocities) Cases, Bikaner, is set aside. It is ordered that the accused-appellants- **Vijaypal S/o Late Kaluram, Aakash Choudhary S/o Seetaram** and **Rohit Singh Rathore S/o Manohar Singh Rathore**, arrested in connection with aforesaid FIR, shall be released on bail, provided they furnish a personal bond of Rs.50,000/- each and two sureties of Rs. 25,000/- each to the satisfaction of the learned trial Court with the stipulation to appear before that Court on all dates of hearing and as and when called upon to do so.

7. It is however, made clear that findings recorded/observations made above are for limited purposes of adjudication of bail application. The trial court shall not get prejudiced by the same.

(SUNIL BENIWAL),J